

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73047

John M. Weaver  
184 E. Kensington Park Lane  
Baltimore, MD 21220

1932 Penhall Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 24, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-4-201 (b)(d), failure to store waste in rodent resistant watertight containers with tight fitting lids; Baltimore County Zoning Regulation (BCZR) section 101, 1B01.1A, 102.1, failure to eliminate open dump conditions on residential property zoned DR 10.5 known as 1932 Penhall Road, 21222.

On January 25, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Robert Moorefield issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$200.00 (two hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. This Citation was issued without prior Correction Notice pursuant to the Department's adopted criteria, for activity that contributes to the propagation of rodents including the improper storage, placement and removal of garbage and rubbish. BCC Section 3-6-205. This Hearing was rescheduled due to inclement weather, with written notice to Respondent.

B. Photographs of this investment property in the file show bagged garbage, junk, trash and debris piled in the yard. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310. Re-inspection on March 16, 2010 found the junk and debris removed, but also found a full garbage bag sitting on the ground near a rat burrow instead of properly stored in a can with a tight lid. Re-inspection on March 18, 2010 found the bag of garbage still sitting on the ground (photograph in file). All garbage must be properly stored.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$100.00 (one hundred dollars).

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 31<sup>st</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer